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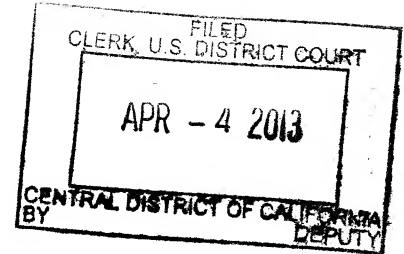
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Kourtney Kardashian, Kimberly Kardashian,  
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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

Kourtney Kardashian, an individual;  
Kimberly Kardashian, an individual;  
Khloé Kardashian Odom, an  
individual; Robert Kardashian, Jr.,  
an individual, and Kris Jenner, an  
individual,

Plaintiffs,

v.

Ellen Pearson, an individual, a/k/a  
Ellen Kardashian and a/k/a  
Ellen Pierson; and DOES 1 through  
10, inclusive,

Defendants.

CASE NO.

CV 13-02406-GHA  
(JCL)

COMPLAINT FOR:

1. CONVERSION
2. COPYRIGHT INFRINGEMENT
3. COPYRIGHT INFRINGEMENT
4. CLAIM AND DELIVERY
5. ACCOUNTING
6. CONSTRUCTIVE TRUST

*[JURY TRIAL DEMANDED]*

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1 Plaintiffs Kourtney Kardashian, Kimberly Kardashian, Khloé Kardashian  
2 Odom, Robert Kardashian, Jr., and Kris Jenner (collectively, "Plaintiffs"), allege:

3 **THE NATURE OF THIS ACTION**

4 1. This action is necessitated by Defendant Ellen Pearson's despicable and  
5 unlawful scheme to hold in secret and convert, and now exploit, a private personal  
6 and copyright protected compilation diary/journal/planner (the "Diary") of the late  
7 Robert Kardashian, family photo albums (the "Family Albums"), and a family  
8 holiday photograph (the "Photograph"), all of which purportedly documents his and  
9 his family's lives before they were famous and while his children were minors.  
10 Robert Kardashian bequeathed the bulk of his personal tangible and intangible  
11 property, which includes the private Diary and Album and the copyrights therein,  
12 equally to his four children, Kourtney Kardashian, Kimberly Kardashian, Khloé  
13 Kardashian Odom and Robert Kardashian, Jr. (the "Kardashian Siblings").

14 2. Notwithstanding the express wishes in Robert Kardashian's will and  
15 trust, until recently, Pearson hid from the Kardashian Siblings -- as well from the  
16 trustee and Court in her recent bankruptcy -- the existence of and her possession of  
17 the private Diary and the Photograph. In her continued efforts to cash-in on and  
18 make money off of her brief marriage to the father of the now famous Kardashian  
19 Siblings and their family, Pearson now, without any right, title, interest or  
20 authorization, has exploited for her benefit and licensed the Diary and Photograph,  
21 and portions of the Family Albums, to tabloid media for publication.

22 3. This is an action to obtain redress for Pearson's unlawful conversion  
23 of private and valuable personal property, and her and her co-conspirator's blatant  
24 violation of copyrights, among other calculated wrongful and tortious conduct.

25 **JURISDICTION & VENUE**

26 4. This action is brought, and exclusive subject matter jurisdiction lies  
27 within this Court upon multiple grounds, including pursuant to the United States  
28 Copyright Act, 17 U.S.C. Sections 101 et seq., based on acts of copyright

1 infringement committed in the United States (28 U.S.C. §1338(a)). This Court has  
2 federal question jurisdiction over this matter pursuant to 28 U.S.C. § 1338(a), and  
3 pursuant to 17 U.S.C. § 410(d) and § 411, and supplemental jurisdiction over  
4 Plaintiff's common law conversion and claim and delivery claims arising under  
5 California law pursuant to 28 U.S.C. § 1367, because they flow from a common  
6 nucleus of operative facts.

7         5. Venue lies within this District pursuant to 28 U.S.C. §1400, and is also  
8 proper in this District pursuant to 28 U.S.C. § 1391 (b) and (c) because Defendants,  
9 and each of them, are subject to personal jurisdiction in this District as a substantial  
10 part of the events or omissions giving rise to the claims herein occurred in this  
11 District. This Court also has jurisdiction and venue of this action under 15 U.S.C.  
12 §1125 *et seq.*, 28 U.S.C. §§1331, 1338(a) and (b). Some of the key acts giving rise  
13 to the claims asserted herein occurred in the County of Los Angeles, State of  
14 California. The amount in controversy includes statutory damages for copyright  
15 infringement of up to \$150,000 per violation, which Plaintiffs sustained in the  
16 County of Los Angeles.

## 17                   **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

### 18                                   **THE PARTIES**

19         6. Plaintiff Kourtney Kardashian ("Kourtney") is, and at all times relevant  
20 hereto has been, an individual who is a citizen of and who is engaged in and doing  
21 business in the County of Los Angeles, State of California.

22         7. Plaintiff Kimberly Kardashian ("Kim") is, and at all times relevant  
23 hereto has been, an individual who is a citizen of and who is engaged in and doing  
24 business in the County of Los Angeles, State of California.

25         8. Plaintiff Khloé Kardashian Odom ("Khloé") is, and at all times relevant  
26 hereto has been, an individual who is a citizen of and who is engaged in and doing  
27 business in the County of Los Angeles, State of California.

28         / / /

1           9.     Plaintiff Robert Kardashian, Jr. ("Robert") is, and at all times relevant  
2 hereto has been, an individual who is a citizen of and who is engaged in and doing  
3 business in the County of Los Angeles, State of California.

4           10.    Plaintiff Kris Jenner ("Jenner") is, and at all times relevant hereto has  
5 been, an individual who is a citizen of and who is engaged in and doing business in  
6 the County of Los Angeles, State of California.

7           11.    Plaintiffs are informed and believe and based thereon allege that  
8 Defendant Ellen Pearson, also known as (a/k/a) Ellen Kardashian and a/k/a Ellen  
9 Pierson ("Pearson"), is, and at all times relevant hereto has been, an individual who  
10 is a citizen of and/or who is engaged in and doing business and commercial  
11 activities in and causing a direct effect in the County of Los Angeles, and  
12 throughout the State of California.

13           12.    Plaintiffs are presently unaware of the true names and capacities of  
14 Defendants sued herein as Does 1 through 10, inclusive, and therefore sues said  
15 Defendants by such fictitious names. Plaintiffs will amend this Complaint to allege  
16 the true names and capacities of such fictitiously named Defendants when the same  
17 have been ascertained. Plaintiffs are informed and believe and based thereon allege  
18 that each of the fictitiously named Defendants is responsible in some manner for the  
19 occurrences, acts and omissions alleged herein and that Plaintiffs' damages were  
20 proximately caused by their conduct. Hereinafter all Defendants including Doe  
21 Defendants will sometimes be referred to collectively as "Defendants." For  
22 convenience, each reference to a named Defendant herein shall also refer to the Doe  
23 Defendants, and each of them, as applicable.

24           13.    Plaintiffs are informed and believe and based thereon allege that at all  
25 material times Defendants, and each of them, were the agents, employees, partners,  
26 joint venturers, co-conspirators, owners, principals, and employers of the remaining  
27 Defendants, and each of them, and are, and at all times herein mentioned were,  
28 acting within the course and scope of that agency, employment, partnership,

1 conspiracy, ownership or joint venture. Plaintiffs are informed and believe and  
2 based thereon allege that the officers, directors and/or managing agents of the  
3 Defendant business entities, authorized, directed and/or ratified the wrongful acts  
4 of the employees and representatives of said Defendants and, consequently, all of  
5 said Defendants are jointly and severally liable to Plaintiffs.

6 **BACKGROUND AND NATURE OF THIS ACTION**

7 14. Kourtney Kardashian, Kimberly Kardashian, Khloé Kardashian Odom  
8 and Robert Kardashian, Jr. (the “Kardashian Siblings”), and their mother Kris  
9 Jenner, are successful business owners and internationally recognized media and  
10 television personalities, including with their E! reality television series *Keeping Up*  
11 *with the Kardashians*, and its subsequent spin-offs, including *Kourtney and Kim*  
12 *Take New York* and *Kourtney and Kim Take Miami*.

13 15. Robert Kardashian was a successful attorney and businessman, who  
14 gained national recognition as one of O. J. Simpson’s defense attorneys during the  
15 latter’s 1995 criminal trial. Robert Kardashian’s first-wife was Kris Jenner  
16 (formally Kris Kardashian), together with whom he has four children, Kourtney  
17 Kardashian, Kimberly Kardashian, Khloé Kardashian Odom and Robert Kardashian,  
18 Jr. In August 2003, less than two-months before his death from cancer (on Sept.  
19 30, 2003), Robert Kardashian married his third-wife, Defendant Ellen Pearson.

20 16. At the time of his untimely passing, Robert Kardashian was in  
21 possession of, among other property and assets, various tangible personal property,  
22 including comprised of private writings about he and his family and photographs  
23 capturing he and his family/children.

24 17. By written legal bequeath -- as contained in the “Will of Robert George  
25 Kardashian” (the “Will”) and pursuant to the “Trust Agreement for the Robert  
26 George Kardashian 2003 Trust” (the “Trust”) dated July 26, 2003 -- Robert  
27 Kardashian expressly provided that “**all of [his] interest in his tangible personal**  
28 **property**, not effectively disposed of [pursuant to a specific itemized list], ... **shall**

1 be distributed by the Trustee outright to [his] children who survive him, to be  
2 divided among them, in equal shares, as they agree. ..." (Trust, Article 5).

3 18. The definition for "property", as specifically and identically set forth  
4 in both the Will (pursuant to Article 9 - Definitions, Section 9.11 - Property) and  
5 the Trust (pursuant to Article 20 - Definitions, Section 20.23 - Property), defines  
6 both "*tangible*" and "*intangible*" property rights. "Tangible personal property"  
7 "includes clothing, jewelry, and other personal effects," "books," "works on  
8 paper," and "other items of ... personal use." And "intangible property"  
9 "includes rights in literary ... properties, rights in works of art, ... copyrights,  
10 publishing rights, and rights to a deceased personality's name, voice, signature,  
11 photograph, or likeness."

12 19. Pursuant to the clear language of the Will and his express instruction,  
13 Robert Kardashian "g[a]ve all of [his] interest in the residue of [his] estate,  
14 including all [his] intangible property and tangible personal property ... to the  
15 Trustee of the Trust, ..." for distribution pursuant thereto (Will, Article 4).  
16 Further, pursuant to the Trust, the only real and personal property distributed to his  
17 third-wife, Defendant Pearson, was that of Robert Kardashian's "real property  
18 located ... [in] Indian Wells, CA" ... and his tangible personal property customarily  
19 used with that real property owned by him at his death ..." and certain other items  
20 only per an itemized list (Trust, Articles 5 and 6). The papers and writings which  
21 comprise Robert Kardashian's Diary, as well as the Family Albums, did not and do  
22 not constitute property customarily used *with* the real property at Indian Wells, such  
23 as furniture and furnishings. And, unless specifically included on the separate list  
24 of distribution of personal property attached to the Will, no other "tangible"  
25 personal property was distributed to Defendant Pearson, and no "intangible"  
26 personal property was distributed to Defendant Pearson.

27 / / /

28 / / /

1           20. Plaintiffs are informed and believe and based thereon allege that,  
2 accordingly, the both the Diary and Family Albums and any intangible rights thereto  
3 passed to and are incontestably the personal property of the Kardashian Siblings,  
4 who therefore also jointly and equally own all right, title, interest and copyright in  
5 the Diary pursuant to the wishes and the express written transfer pursuant to the  
6 Will and Trust of their father, the late Robert Kardashian. Likewise, any copies of  
7 photographs of the children/family and family photo albums which were in the  
8 possession of Robert Kardashian also passed to and are owned wholly by his four  
9 children, and any copyrights in any such photographs taken by Robert Kardashian  
10 are now owned by the children through inheritance, or, as to those photographs  
11 taken/captured by Kris Jenner of the children and/or of Robert Kardashian, remain  
12 Kris Jenner's copyright.

13           21. Plaintiffs are further informed and believe and based thereon allege  
14 that, at the time of his passing, Robert Kardashian was in possession of a copyright  
15 protected photograph of and capturing Robert Kardashian with his children (some  
16 of which were, at the time, minors) (the "Photograph") on or around Christmas  
17 Eve, which was captured and created by Plaintiff Kris Jenner. Plaintiffs are further  
18 informed and believe and based thereon allege that the physical copy of the  
19 Photograph is the personal property of the Kardashian Siblings; and that the  
20 copyright and all right, title and interest thereto in the Photograph is owned  
21 exclusively by Kris Jenner.

22                           **DEFENDANTS' HIDING THE EXISTENCE OF AND**  
23                           **SECRET POSSESSION OF PLAINTIFFS' PROPERTY**

24           22. Notwithstanding the express bequeathments pursuant to the Will and  
25 Trust of Robert Kardashian, and Defendant's knowledge thereof, Defendant Pearson  
26 sought to hold and hide or divert various property from the estate and proper  
27 distribution for her own use and benefit. After Robert Kardashian's passing, as  
28 instances of missing property came to light, Plaintiffs and the trustee had to

1 repeatedly request that Defendant Pearson return various property which she sought  
2 to abscond with, convert and/or hide from.

3 23. Plaintiffs are further informed and believe and based thereon allege that  
4 Defendant Pearson converted for her own use and benefit tangible and intangible  
5 property, which were bequeathed by written instrument to and are the personal  
6 property of the Kardashian Siblings.

7 24. Plaintiffs are informed and believe and based thereon allege that,  
8 among property of which Defendant Pearson wrongfully held and abscond with,  
9 Defendant Pearson held in secret the existence of and her possession of the Diary  
10 and various photographs of and capturing Robert Kardashian with members of his  
11 family. Plaintiffs are further informed and believe and based thereon allege that  
12 Defendant Pearson also held in secret the existence of and her possession of a  
13 copyright protected Photograph of and capturing Robert Kardashian and his (at the  
14 time) minor children, which was created by Plaintiff Kris Jenner.

15 25. Plaintiffs are informed and believe and based thereon allege that  
16 Defendant Pearson did so to with the express intent to one-day capitalize on and  
17 exploit the valuable property and celebrity of the famous Robert Kardashian, and/or  
18 to deprive the Kardashian Siblings of the benefit of private information and  
19 memories about their father, family and lives as children, all contrary to the express  
20 wishes and bequeathments of Robert Kardashian.

21 26. In or about January 2013, as further set forth hereinbelow, Plaintiffs  
22 first learned of or had any knowledge of the existence of and Defendant Pearson's  
23 secret possession of the Diary, Photograph and other wrongfully and secretly held  
24 personal property of the Kardashian Siblings.

25 **PLAINTIFFS' CELEBRITY AND VALUABLE RIGHTS OF PUBLICITY**

26 27. Commencing from in or about 2007, the Kardashian Siblings, Kris  
27 Jenner and their family rose to prominence and celebrity with their E! reality  
28 television series *Keeping Up with the Kardashians*. Since that time, the Kardashian



1 and Jenner family celebrity has exponentially increased, and they have transcended  
2 across reality television into scripted programs, fashion and various other  
3 entertainment and business endeavors. The Kardashian family are well recognized  
4 in pop-culture and most things “Kardashian” have become extremely valuable,  
5 including with any and all stories, real and baseless fiction, sought after by the  
6 media. Rarely a week goes by without numerous, often paid for, tabloid stories  
7 related to one or more of the Kardashian Siblings, Kris Jenner and/or other  
8 members of their family.

9 **PEARSON’S BANKRUPTCY AND ESTOPPEL OF OWNERSHIP CLAIM**

10 28. After years of unchecked spending and living off of her inheritance, and  
11 amassing significant debt, including to her country club, in or about November  
12 2010, Defendant Pearson filed for Chapter 7 bankruptcy in the United States District  
13 Court for the Central District of California, in Riverside County, Case Number  
14 1047447, captioned *In re Ellen June Kardashian*. The bankruptcy was discharged  
15 in or about March 2011.

16 29. As part of the bankruptcy, Defendant Pearson was required by law, as  
17 are all debtors, to list in statements under *penalty of perjury* all assets and property,  
18 and value thereof, in her possession or ownership. Defendant Pearson did not  
19 disclose nor list her possession of nor purported ownership of the valuable Diary  
20 and/or Photograph and/or Kardashian Family Albums. Defendant Pearson failed  
21 to list in her assets any copyrights and/or intangible intellectual property rights in  
22 the Diary and/or Photograph, and the values thereof. Likewise, Defendant Pearson  
23 did not disclose nor list her possession of nor purported ownership of other  
24 photographs and personal property formally of Robert Kardashian which concerned  
25 or captured images or information relating to the Kardashian Siblings and/or their  
26 mother, including the Family Albums.

27 30. As part of the bankruptcy, to help reimburse her creditors, Defendant  
28 Pearson did list and was divested from various other valuable assets, including

1 artwork, jewelry and her house in Indian Springs -- property which she had received  
2 by bequeathment from Robert Kardashian.

3 31. Having failed to disclose or list the Diary and Photograph and Family  
4 Albums as valuable assets and/or property in her possession or ownership,  
5 Defendant Pearson is and/or should be estopped from now claiming any ownership  
6 interest in the Diary and/or Photograph and Kardashian Family Albums, or other  
7 valuable photographs and personal property which concerns or captures images or  
8 information relating to the famous Kardashian Siblings and their family. Any such  
9 claim or assertion now of ownership in the property in defense of this action would  
10 constitute an admission that Defendant Pearson defrauded the Court and her  
11 creditors in her bankruptcy action, as it would be tantamount to having hidden  
12 extremely valuable assets and property from the estate.

13 **DEFENDANTS' WRONGFUL EXPLOITATION OF THE DIARY AND PHOTOGRAPHS**

14 32. In the after-math of Defendant Pearson's bankruptcy and on-going  
15 financial woes, Defendant Pearson has repeatedly sought to sell (often false) tabloid  
16 stories and Kardashian family photos to exploit and cash-in on Plaintiffs' celebrity  
17 by means of her past connection to them through her brief 2003 marriage to Robert  
18 Kardashian.

19 33. Plaintiffs are informed and believe and based thereon allege that, in or  
20 about January 2013, without right, title or copyright in or to the property, Defendant  
21 Pearson sought to peddle and exploit, and disclosed to tabloid and other media, the  
22 private and valuable personal papers of Robert Kardashian referred to as the Diary,  
23 as well as the Photograph and photographs from the Family Albums. In conjunction  
24 with a paid interview and corresponding article, Defendant Pearson provided and  
25 purported to have rights to and to license for publication portions of the Diary and  
26 family photographs to Bauer Publishing LP, owner and publisher of the weekly  
27 tabloid publications *in Touch Weekly* and *Life & Style*.

28 / / /

1           34. Defendant Pearson purported to license copyright in portions of the  
2 Diary for use, publication, reproduction and dissemination, all without authorization  
3 from the property holder's true owners and in violation of copyright. In connection  
4 with Defendant Pearson's unauthorized exploitation of the Diary, excerpt portions  
5 and content thereof were published: (i) in the February 4, 2013 issue of *In Touch*  
6 magazine, in an article titled "The SECRET KARDASHIAN DIARIES" and  
7 described as "A feature on the private journals of the late Robert Kardashian that  
8 expose how Kris Jenner treated her daughters including Khloé Kardashian" (the  
9 "Feb 4th *In Touch* Article"); and also (ii) in the February 4, 2013 issue of *Life &*  
10 *Style* magazine, in an article titled "More Heartbreak for Khloé: Secret Kardashian  
11 Diaries Revealed" and described as "Feature on the life struggles of the Kardashians  
12 including Khloé Kardashian" (the "Feb 4th *Life & Style* Article"); and also (iii) in  
13 the February 11, 2013 issue of *In Touch* magazine, in an article titled "The  
14 Kardashian Diaries -Part 2-, Kim, Kourtney and Khloé: It's Worst than They  
15 Know" (the "Feb 11th *In Touch* Article") (collectively, the "Articles"). A copy of  
16 the Photograph was published in the February 11th *In Touch* Article. Reprints of  
17 certain Kardashian family photographs, including ones from the Family Albums,  
18 also appeared in the Articles.

19           35. It was only as a result of the publication by Bauer Publishing LP in its  
20 tabloids of portions of the Diary, and the Photograph, that Plaintiffs discovered the  
21 existence of and Defendant Pearson's secret possession and unlawful conversion of  
22 the Diary and related intellectual property rights.

23           36. In or about March 2013, Plaintiffs learned that, without right, title or  
24 copyright in or to the property, Defendant Pearson has sought to and intends to  
25 further peddle and exploit the private and Diary and personal writings of Robert  
26 Kardashian, along with various Kardashian family photographs. Plaintiffs are  
27 informed and believe and based thereon allege that Bauer Publishing LP intends to  
28 and/or has now licensed from Defendant Pearson for publication and public

1 dissemination further and extensive portions of and excerpts from the alleged two-  
2 hundred-forty-plus pages comprising the Diary, in what has been described as a  
3 “bookazine” format (the “Diary Bookazine”). Plaintiffs are informed and believe  
4 and based thereon allege that Bauer Publishing LP has paid, and Defendant Pearson  
5 has received, tens-of-thousands of dollars for license, publication and use of the  
6 Diary -- property which Pearson does not own or hold rights therein, and of which  
7 she did not disclose/list as allegedly her property and/or as a valuable asset in her  
8 2010/2011 bankruptcy schedule of assets.

9       37. By letters dated March 21, 2013 to Defendant Pearson and to Bauer  
10 Publishing LP, Plaintiffs put Pearson and Bauer Publishing LP each, respectively,  
11 on notice that the Kardashian Siblings jointly and equally own the exclusive  
12 copyright in the subject work, the Diary, by written transfer pursuant to the will and  
13 trust of their late father. Defendant Pearson and Bauer Publishing LP were also put  
14 on notice that all right, title, interest and copyright in the Diary is owned wholly by  
15 the Kardashian Siblings as the children of the late Mr. Kardashian. Notwithstanding  
16 the foregoing, Plaintiffs are informed and believe and based thereon allege that  
17 Defendant Pearson and Bauer Publishing LP nevertheless intend to wrongfully  
18 exploit, use, publish and disseminate further and extensive yet-unpublished portions  
19 of and excerpts the private but valuable and copyright protected Diary.

#### 20                   **PLAINTIFFS’ REGISTERED COPYRIGHTS**

21       38. Plaintiffs, the Kardashian Siblings, previously filed for joint registration  
22 of copyright with the United States Copyright Office (“USCO”) for the subject  
23 work, the Diary (as defined hereinabove), as a “Literary Textual Work” under the  
24 descriptive title “Robert Kardashian Diary/Journal,” pursuant to USCO Claim ID  
25 Number 1-913343271. Said copyright registration application has been fully  
26 completed and submitted through the USCO’s eCO Registration System, including  
27 with full payment tendered of the Special Handling service fee (as defined by the  
28 USCO as available for “Pending or prospective litigation”).

39. Plaintiff Kris Jenner previously filed for registration of copyright with the USCO for the subject work, the Photograph (as defined hereinabove), as a “Work of Visual Arts” under the descriptive title “Kardashian Family Xmas Photos,” pursuant to USCO Claim ID Number 1-914488391. Said copyright registration application has been fully completed and submitted through the USCO’s eCO Registration System, including with full payment tendered of the Special Handling service fee (as defined by the USCO as available for “Pending or prospective litigation”). The copyrights in and for both the Diary and Photograph are sometimes collectively referred to herein as, the “Copyrights”.

### FIRST CLAIM FOR RELIEF

## Conversion

(By Plaintiffs the Kardashians Siblings,  
Against Defendant Pearson and Does 6-10)

40. Plaintiffs repeat, reallege and incorporate each and every allegation contained in Paragraphs 1 through 39, inclusive, as though fully set forth herein.

41. At all times relevant hereto, the Kardashian Siblings were, and are, the sole and rightful owners of the personal property described as the Diary, as well as the physical tangible embodiment of the copy of the Photograph and the Family Albums in the possession of Pearson.

42. Although the Diary, the copy of the Photograph and the family Albums described above are unique and the value of control of the property is irreplaceable by any monetary amount, the property described above has an estimated value through publication of potentially hundreds of thousands of dollars, the exact amount of which shall be proven at trial.

43. At some point after the death of the Kardashian Siblings' father, and unknown to the Plaintiffs until in or about January 2013, defendant Pearson wrongfully and without Plaintiffs' authority or approval secretly took or obtained

1 possession of the Diary, kept the same hidden from knowledge of existence from  
2 Plaintiffs, and has converted the property for her own use and commercial gain.  
3 Plaintiffs are informed and believe and allege that Defendant Pearson has received  
4 tens-of-thousands of dollars for license, publication and use of the Diary and Family  
5 Albums -- property which Pearson does not own or hold rights therein.

6 44. After learning of the existence of the property and Pearson's possession  
7 of, conversion of and intended and actual exploitation thereof, in March 2013,  
8 Plaintiffs demanded the immediate return of the Diary. Notwithstanding the  
9 demands for the return of any and all copies of the Diary, Defendant(s) has failed  
10 and refused to return the property and continued to wrongfully retain the property  
11 for her own use, exploitation and benefit.

12 45. As a direct and proximate result of Defendants' wrongful conversion  
13 of the Diary, Photograph and Family Albums, and related property, Plaintiffs have  
14 been damaged in an amount that is not yet fully ascertainable but which is believed  
15 to be in excess of Five Hundred Thousand Dollars (\$500,000). When Plaintiffs  
16 have ascertained the full amount of their damages, they will seek leave of court to  
17 amend this Complaint accordingly.

18 46. Between the time of Defendants' conversion of the Diary and  
19 Photograph, Family Albums and related property and the filing of this lawsuit,  
20 Plaintiffs have expended time and money in legal fees and costs in pursuit of the  
21 return of the converted property, all to Plaintiffs' further damage in an amount  
22 according to proof at trial.

23 47. Plaintiffs are informed and believe and based thereon allege that the  
24 aforementioned acts of Defendants, and each of them, were done intentionally or  
25 with a conscious and reckless disregard of Plaintiffs' rights, and with the intent to  
26 vex, injure or annoy Plaintiffs, such as to constitute oppression, fraud, or malice,  
27 thus entitling Plaintiffs to exemplary and punitive damages in an amount appropriate  
28 to punish or set an example of Defendants, and each of them, and to deter such

1 conduct in the future, the exact amount of such damages subject to proof at trial.  
2 48. No adequate remedy exists at law for the injustices suffered by  
3 Plaintiffs herein, insofar as further harm will result to Plaintiffs from Defendants'  
4 wrongful act of conversion of the Diary, Photograph and Family Albums and related  
5 property absent injunctive relief. Absent granting injunctive relief of the type and  
6 for the purpose specified herein, Plaintiffs will suffer irreparable injury. Therefore,  
7 in addition to the award for damages set forth herein, Plaintiffs request the following  
8 injunctive relief, an Order:

9 (a) Prohibiting Defendants, and each of them, and their officers,  
10 directors, stockholders, owners, agents, partners, servants, employees,  
11 representatives and attorneys, and all those in active concert or participation with  
12 Defendants, or each of them, and all others, including any third-party publication  
13 or website provider, who receive notice of this order, from selling or licensing,  
14 offering to sell or license, facilitating the sale or licensing of, disseminating,  
15 transferring, publishing, syndicating, displaying, posting for view or access on or  
16 through the Internet or in any other manner or media outlet, broadcasting or  
17 otherwise using or exploiting or attempting to exploit the Diary and Family Albums,  
18 or any information contained therein, whether in electronic or hard-copy form or  
19 in any other manner or via any other outlet;

20 (b) Directing Defendants to recall, retrieve and obtain the Diary and  
21 Family Albums, and any and all copies thereof, in any format or medium, from any  
22 persons or entities who received possession of any of said material from any of the  
23 Defendants or any of their agents or representatives, and to deliver to Plaintiffs'  
24 counsel, all copies of the Diary and Family Albums, and any and all copies and  
25 portions thereof;

26 (c) Directing Defendants to give notice to any and all persons and  
27 entities who have copies of any part of the Diary and/or Family Albums, received  
28 by/through Defendants, that they are enjoined by Court Order from using,

1 displaying, posting for view or access on the Internet or in any other manner or in  
2 any other format or medium, publishing, distributing, transferring or exploiting the  
3 Diary and/or Family Albums and/or portions thereof pending further Order of this  
4 Court, and provide a copy of each said notice to Plaintiffs' counsel; and

5 (d) Directing Defendants to deliver and turn-over to Plaintiffs'  
6 counsel to hold and maintain possession of, all copies of the Diary and Family  
7 Albums, and any portions thereof, in any format or medium, which are in their  
8 possession, custody or control, or in the control of any of their officers, directors,  
9 owners, agents, partners, servants, employees, representatives and attorneys.

## 10 11 **SECOND CLAIM FOR RELIEF**

### 12 **Copyright Infringement [17 U.S.C. § 101 *et. seq.*]**

#### 13 **(By Plaintiffs the Kardashian Siblings, Against All Defendants)**

14 49. Plaintiffs repeat, reallege and incorporate each and every allegation  
15 contained in Paragraphs 1 through 39, and 41 through 44, inclusive, as though fully  
16 set forth herein.

17 50. Plaintiffs, the Kardashian Siblings, are jointly and equally the sole  
18 owners of all right, title and interest in the copyright to the Diary, and the physical  
19 embodiment(s) thereof. The subject work of this claim has been properly and fully  
20 submitted in the Kardashian Siblings' names to the U.S. Copyright Office  
21 ("USCO") for copyright registration.

22 51. Plaintiffs, the Kardashian Siblings, are informed and believe and  
23 thereon allege that Defendants, and each of them, have copied, commercially used,  
24 exploited, attempted to sell/license and disseminated the copyrighted Diary.

25 52. Defendants' copying of, commercial use, exploitation, attempts to  
26 license or sell and dissemination of the copyrighted materials is unauthorized.  
27 Defendants' unauthorized use, commercial use, exploitation, licensing, attempts to  
28 license or sell and dissemination of the Diary and any physical embodiment thereof



1 constitutes an infringement of the Kardashian Siblings' rights, including of the Diary  
2 copyright, and of the copyright laws.

3 53. Defendants have infringed the Kardashian Siblings' exclusive copyrights  
4 in and to the Diary directly and indirectly by reproduction of the copyrighted work,  
5 causing the copyrighted work to be copied and distributed, and by the preparation  
6 of derivative works, all without the consent of the Kardashian Siblings.

7 54. As a direct and proximate result of Defendants' infringing activities, the  
8 Kardashian Siblings have sustained and will continue to sustain substantial injury,  
9 including damage to their business and to their personal reputations in an amount not  
10 yet known but to be determined according to proof at trial. As a further direct and  
11 proximate result of the infringement by Defendants, they have unlawfully and  
12 wrongfully derived income and profits from their infringing acts.

13 55. The Kardashian Siblings lack an adequate remedy at law.

14 56. Plaintiffs, the Kardashian Siblings, are informed and believe and on that  
15 basis allege that Defendants had prior knowledge of the Kardashian Siblings' rights  
16 and, therefore, Defendants' infringing activities are willful and wanton, entitling the  
17 Kardashian Siblings to an award of attorneys' fees and the costs of this action.

18 57. Pursuant to 17 U.S.C. § 502, Plaintiffs, the Kardashian Siblings, are  
19 entitled to an order enjoining Defendants' from infringing Plaintiffs' copyright;  
20 pursuant to 17 U.S.C. § 503, Plaintiffs are entitled to an order impounding all  
21 copies of the infringing articles; and pursuant to 17 U.S.C. § 504, Plaintiffs are  
22 entitled to recover actual damages from Defendants' infringement and Defendants'  
23 profits attributable to their infringing conduct. Pursuant to 17 U.S.C. § 505,  
24 Plaintiffs are also entitled to recover the full costs of bringing this action and their  
25 reasonable attorney's fees.

26 58. Plaintiffs have suffered irreparable harm and will continue to be  
27 irreparably injured unless Defendants' infringement is enjoined by this Court.

28

1 **THIRD CLAIM FOR RELIEF**

2 **Copyright Infringement [17 U.S.C. § 101 *et. seq.*]**

3 **(By Plaintiff Jenner, Against All Defendants)**

4 59. Plaintiffs repeat, reallege and incorporate each and every allegation  
5 contained in Paragraphs 1 through 39, and 41 through 44 inclusive, as though fully  
6 set forth herein.

7 60. Plaintiff Jenner is the sole owner of all right, title and interest in the  
8 copyright to the Photograph, with the physical embodiment thereof which is in the  
9 possession of Pearson owned by the Kardashian Siblings. The subject work of this  
10 claim has been properly and fully submitted in Jenner's to the U.S. Copyright Office  
11 ("USCO") for copyright registration.

12 61. Plaintiff Jenner is informed and believes and thereon alleges that  
13 Defendants, and each of them, have copied, commercially used, exploited,  
14 attempted to sell/license and disseminated the copyrighted Photograph.

15 62. Defendants' copying of, use, commercial use, exploitation, attempts to  
16 license or sell and dissemination of the copyrighted materials is unauthorized.  
17 Defendants' unauthorized copying of, use, commercial use, exploitation, licensing,  
18 attempts to license or sell and dissemination of the Photograph and any physical  
19 embodiment thereof constitutes an infringement of Plaintiff's rights, including of the  
20 Photograph's copyright, and of the copyright laws.

21 63. Defendants have infringed Plaintiff's exclusive copyrights in and to the  
22 Diary directly and indirectly by reproduction of the copyrighted work, causing the  
23 copyrighted work to be copied and distributed, and by the preparation of derivative  
24 works, all without the consent of Plaintiff.

25 64. As a direct and proximate result of Defendants' infringing activities,  
26 Plaintiff has sustained and will continue to sustain substantial injury, including  
27 damage to her business and to her personal reputation in an amount not yet known  
28 but to be determined according to proof at trial. As a further direct and proximate

1 result of the infringement by Defendants, they have unlawfully and wrongfully  
2 derived income and profits from their infringing acts.

3 65. Plaintiff lacks an adequate remedy at law.

4 66. Plaintiff is informed and believes and on that basis alleges that  
5 Defendants had prior knowledge of Plaintiff's rights and, therefore, Defendants'  
6 infringing activities are willful and wanton, entitling Plaintiff to an award of  
7 attorneys' fees and the costs of this action.

8 67. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to an order enjoining  
9 Defendants' from infringing Plaintiff's copyright; and pursuant to 17 U.S.C. § 504,  
10 Plaintiff is entitled to recover actual damages from Defendants' infringement and  
11 Defendants' profits attributable to their infringing conduct. Pursuant to 17 U.S.C.  
12 § 505, Plaintiff is also entitled to recover the full costs of bringing this action and  
13 her reasonable attorney's fees.

14 68. Plaintiff has suffered irreparable harm and will continue to be  
15 irreparably injured unless Defendants' infringement is enjoined by this Court.

#### 17 **FOURTH CLAIM FOR RELIEF**

##### 18 **Claim and Delivery**

19 **(By Plaintiffs the Kardashian Siblings, Against All Defendants)**

20 69. Plaintiffs repeat, reallege and incorporate each and every allegation  
21 contained in Paragraphs 1 through 39, 41 through 44 and 50 through 58, inclusive,  
22 as though fully set forth herein.

23 70. Plaintiffs were at all times relevant hereto, and still are, entitled to the  
24 possession of the tangible personal property defined herein as the Diary and the  
25 Family Albums, and any and all copies and portions thereof.

26 71. While the Diary has little intrinsic value in and of itself, based on  
27 information and belief, the value of the substance of the writings therein have a  
28 value through the right to control and license or limit license for publication thereof,

1 in an estimated value of potentially in excess of one hundred thousand dollars.

2 72. While the Family Albums have little intrinsic value in and of itself,  
3 based on information and belief, the value of the substance of the photographs therein  
4 have a value through the right to control or license or limit license for publication  
5 thereof, in an estimated value of potentially in excess of a hundred thousand dollars.

6 73. Defendants have no interest in the personal private Diary of the  
7 Kardashian Siblings' father, nor any portion thereof, nor of the Family Albums.  
8 Upon or after the death of the Kardashian Siblings' father, Defendant(s) wrongfully  
9 and without Plaintiffs' consent took possession of the Diary without Plaintiffs'  
10 knowledge, and has since that time maintained in secrecy and hidden from Plaintiffs  
11 the existence of the Diary and Defendants' possession thereof. Defendant Pearson  
12 hid the existence of and her possession of the valuable Diary and other property,  
13 include hiding said properties from and not listing them as assets through the course  
14 of her bankruptcy, filed in November 2010 and discharged in 2011. Since the date  
15 Defendant clandestinely obtained the Diary, until January of 2013 when the  
16 existence of Plaintiffs' property was revealed to be in Defendants' possession,  
17 Defendants have been, and now are, in wrongful possession of the property in  
18 violation of Plaintiffs' rights. Plaintiffs are, and at all times mentioned herein were,  
19 entitled to the immediate and exclusive possession of the tangible personal property  
20 described herein, and the property is being wrongfully withheld by the Defendants.

21 74. As a proximate result of, Defendants' wrongful possession and  
22 detention of the personal property described above, Plaintiffs suffered damages,  
23 according to proof at trial, for the loss of the use of their personal property.

24 75. There is a probability of "immediate danger" that the property will be  
25 transferred, concealed, or may become substantially impaired in value by  
26 Defendants publication of a copy of the property or portions thereof. Plaintiffs are  
27 entitled to a writ of possession for seizure and return of the Diary, Photograph,  
28 Family Albums, and any tangible copies thereof, including any electronic files and

1 stored copies.

2 76. Plaintiffs are informed and believe and based thereon allege that the  
3 aforementioned acts of Defendants, and each of them, were done intentionally or  
4 with a conscious and reckless disregard of Plaintiffs' rights, and with the intent to  
5 vex, injure or annoy Plaintiffs, such as to constitute oppression, fraud, or malice,  
6 thus entitling Plaintiffs to exemplary and punitive damages in an amount appropriate  
7 to punish or set an example of Defendants, and each of them, and to deter such  
8 conduct in the future, the exact amount of such damages subject to proof at the time  
9 of trial.

10  
11 **FIFTH CLAIM FOR RELIEF**

12 **For Accounting**

13 **(By All Plaintiffs, Against All Defendants)**

14 77. Plaintiffs repeat, reallege and incorporate each and every allegation  
15 contained in Paragraphs 1 through 39, 41 through 44, 50 through 58 and 60 through  
16 63, inclusive, as though fully set forth herein.

17 78. Plaintiffs are informed and believe on that basis alleges that the  
18 Defendants, and each of them, have received profits by virtue of their wrongful  
19 conduct, as herein alleged.

20 79. Plaintiffs are entitled to that portion of Defendants' profits attributable  
21 to the unauthorized commercial use, dissemination and exploitation of the Diary and  
22 Photograph and Family Albums, including from the sale or license or publication  
23 thereof, as well as from and through any ad-revenue streams generated through sale  
24 of any publications and/or the operation of their websites and all increased traffic  
25 and views of their websites. The amount of these profits is presently unknown and  
26 cannot be ascertained without an accounting. The accounting will show any profits  
27 due and owing to Plaintiffs based on Defendants' unlawful conduct.

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**SIXTH CLAIM FOR RELIEF**  
**For Imposition of Constructive Trust**  
**(By All Plaintiffs, Against All Defendants)**

80. Plaintiffs repeat, reallege and incorporate each and every allegation contained in Paragraphs 1 through 39, 41 through 44, 50 through 58, 60 through 63 and 77 through 78, inclusive, as though fully set forth herein.

81. As alleged hereinabove, Defendants, and each of them, have wrongfully misappropriated, and/or permitted or participated in the unauthorized use, commercial use, licensing and exploitation of the Diary and Photograph and Family Albums, including from the sale or license or publication thereof, for purposes of inter alia obtaining an interview or license fee and/or soliciting sales of Defendants' goods, merchandise and services and traffic to Defendants' websites, all for commercial purposes and to increase Defendants' profits.

82. Plaintiffs are informed and believe and based thereon allege that as a result of the aforesaid wrongful acts of Defendants, and each of them, Defendants have realized profits and otherwise received payments and other valuable consideration, and have been unjustly enriched at the expense of Plaintiffs, and may continue to receive profits, payments and other valuable consideration in the future from their unauthorized use, commercial use, licensing and exploitation of the Diary and Photograph and Family Albums and of the related property.

83. As a direct and proximate result of Defendants' wrongful conduct as alleged hereinabove, Defendants, and each of them, hold any and all monies deriving from the unauthorized use, commercial use, licensing and exploitation and exploitation of the Diary and Photograph and Family Albums and of the related property, plus interest on said amount, as involuntary constructive trustees in constructive trust for Plaintiffs.

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1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiffs Kourtney Kardashian, Kimberly Kardashian,  
3 Khloé Kardashian Odom, Robert Kardashian, Jr., and Kris Jenner pray for  
4 judgment against Defendant Ellen Pearson, and Does 1 through 10, as said plaintiff  
5 and defendant(s) is specifically named and listed for the respective Claim for Relief,  
6 as follows:

7 **AS TO THE FIRST CLAIM FOR RELIEF (FOR CONVERSION):**

8 1. For an award of general and special damages against Defendants, and  
9 each of them, jointly and severally, for the value of the property converted, in an  
10 amount in excess of the jurisdictional limits of this Court that is not yet fully  
11 ascertainable, but believed to be not less than Five Hundred Thousand (\$500,000)  
12 Dollars, in accordance with proof at trial, together with interest thereon at the legal  
13 rate;

14 2. For damages for the proximate and foreseeable loss resulting from  
15 Defendants' conversion in a sum according to proof at the time of trial, together  
16 with interest thereon at the legal rate;

17 3. For punitive and exemplary damages;

18 4. For an order for the following preliminary and permanent injunction,  
19 as set forth hereinabove in the First Claim For Relief.

20 **AS TO THE SECOND CLAIM FOR RELIEF (FOR VIOLATION OF**  
21 **COPYRIGHT):**

22 5. Treble damages in an amount equivalent to three (3) times Defendants'  
23 profits, or actual damages, whichever is greater, plus costs of suit, pursuant to 15  
24 U.S.C. §1117(a);

25 6. For an order declaring that Defendants hold such profits in trust for  
26 Plaintiffs;

27 7. For a preliminary and permanent injunction enjoining the use, copying,  
28 sale, licensing, display, dissemination and distribution of the Diary and/or any

1 related property and any goods and services appropriating Plaintiffs' copyrights by  
2 Defendants;

3 8. Attorneys' fees and costs, pursuant to 17 U.S.C. §§502-505;

4 **AS TO THE THIRD CLAIM FOR RELIEF (FOR VIOLATION OF**  
5 **COPYRIGHT):**

6 9. Treble damages in an amount equivalent to three (3) times Defendants'  
7 profits, or actual damages, whichever is greater, plus costs of suit, pursuant to 15  
8 U.S.C. §1117(a);

9 10. For an order declaring that Defendants hold such profits in trust for  
10 Plaintiff;

11 11. For a preliminary and permanent injunction enjoining the use, copying,  
12 sale, licensing, display, dissemination and distribution of the Photograph and/or any  
13 related property and any goods and services appropriating Plaintiffs' copyrights by  
14 Defendants;

15 12. Attorneys' fees and costs, pursuant to 17 U.S.C. §§502-505;

16 **AS TO THE FOURTH CLAIM FOR RELIEF (FOR CLAIM AND**  
17 **DELIVERY):**

18 13. For an order for the return to and possession by Plaintiffs of the Diary  
19 and any tangible copies thereof, including any electronic files and stored copies;

20 14. For an order for the return to and possession by Plaintiffs of the Family  
21 Albums and any tangible copies thereof, including any electronic files and stored  
22 copies;

23 15. For an award of general and special damages against Defendants, and  
24 each of them, jointly and severally, for the loss of use and damages to the value of  
25 the property, in a sum according to proof at the time of trial, together with interest  
26 thereon at the legal rate;

27 16. For punitive and exemplary damages;

28 / / /



1 **AS TO THE FIFTH CLAIM FOR RELIEF (FOR ACCOUNTING):**

2 17. A full and complete accounting from Defendants, and each of them,  
3 concerning all monies or other things of value received by Defendants, and any of  
4 them, directly and/or indirectly in connection with their wrongful exploitation of the  
5 Diary and Photograph and Family Album, and any related or derivative copies or  
6 portions thereof, without Plaintiffs' consent;

7 18. A full and complete accounting from Defendants, and each of them,  
8 concerning all monies or other things of value received by Defendants, directly  
9 and/or indirectly in connection with their wrongful use, license, sale and/or  
10 exploitation of any of the Diary and Photograph and Family Album, and any related  
11 or derivative copies or portions thereof;

12 **AS TO THE SIXTH CLAIM FOR RELIEF (FOR CONSTRUCTIVE TRUST):**

13 19. For the imposition of a constructive trust such that all sums and  
14 consideration unlawfully obtained by Defendants are held by Defendants as  
15 constructive trustees for Plaintiffs;

16 **AS TO ALL CAUSES OF ACTION:**

17 20. For costs of suit herein;

18 21. For reimbursement to Plaintiffs of attorneys' fees, as provided by law;

19 22. For interest on the above-requested damages and at the maximum legal  
20 rate as provided by law; and

21 23. For such other additional relief as the Court deems just and proper.

22 Respectfully submitted,

23 DATED: April 4, 2013

24 LAVELY & SINGER  
25 PROFESSIONAL CORPORATION  
26 MARTIN D. SINGER  
27 EVAN N. SPIEGEL

28 By: 

MARTIN D. SINGER

Attorneys for Plaintiffs, Kourtney Kardashian,  
Kimberly Kardashian, Khloé Kardashian  
Odom, Robert Kardashian, Jr., and Kris Jenner

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**REQUEST FOR JURY TRIAL**

Plaintiff hereby demands a jury trial pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Respectfully submitted,

DATED: April 4, 2013

LAVELY & SINGER  
PROFESSIONAL CORPORATION  
MARTIN D. SINGER  
EVAN N. SPIEGEL

By: 

MARTIN D. SINGER

Attorneys for Plaintiffs, Kourtney Kardashian,  
Kimberly Kardashian, Khloé Kardashian  
Odom, Robert Kardashian, Jr., and Kris Jenner